

General Assembly

January Session, 2003

Raised Bill No. 6623

LCO No. 3994

Referred to Committee on Environment

Introduced by: (ENV)

AN ACT CONCERNING REVISIONS TO ENVIRONMENTAL PROTECTION STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 22-286 of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective from passage*):
- The Commissioner of Agriculture shall have authority to cooperate
- 4 with the Animal and Plant Health Inspection Service, Veterinary
- 5 Services, of the United States Department of Agriculture in any
- 6 national plan adopted by said department or service for the control
- 7 and eradication of livestock and avian contagious or infectious
- 8 diseases. Said commissioner may accept from the United States such
- 9 assistance, financial or otherwise, for the condemnation of diseased
- animals, for remunerating the owners thereof and for carrying out the
- provisions of this chapter as may be available from time to time. Upon
- 12 the acceptance of said national plan by the Governor, after consultation
- with the commissioner, the officials of the Animal and Plant Health
- 14 Inspection Service, Veterinary Services, of the United States
- 15 Department of Agriculture, at the request of the commissioner, shall
- 16 have the right [of inspection, quarantine and condemnation of] to

17 inspect, quarantine and condemn animals affected with any 18 contagious, infectious or communicable disease or suspected to be 19 affected with, or that have been exposed to, any such disease, and may 20 enter any grounds or premises for these purposes. The commissioner 21 may call upon law enforcement officials including, but not limited to, 22 state police and municipal police officials to assist them in the 23 discharge of their duties in carrying out the provisions of such national 24 plan and of this section, and law enforcement officials shall render 25 such assistance when so called upon.

Sec. 2. Section 22-333 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any dog, cat or other animal captured or impounded under the provisions of this chapter shall be redeemed by the owner or keeper thereof, or the agent of such owner or keeper, upon proper identification, and, if the animal in question is a dog, upon presentation to the municipal animal control officer of a license and tag for such dog, and upon the payment by such owner or keeper or his agent of (1) the redemption fee established by the municipality, which shall not exceed fifteen dollars, and (2) the cost of advertising incurred under the provisions of section 22-332; provided no dog, cat or other animal seized for doing damage under the provisions of section 22-355 shall be released except upon written order of the commissioner, the Chief Animal Control Officer or an animal control officer. When the owner or keeper of any such impounded dog, cat or other animal fails to redeem such dog, cat or other animal within twenty-four hours after receiving notification to do so, or, where the owner was unknown, within twenty-four hours after notification was effected by means of publication in a newspaper, such owner or keeper shall pay, in addition to such redemption fee and the cost of advertising, the amount determined by the municipality to be the full cost of detention and care of such impounded dog, cat or other animal. The owner or keeper of any dog, cat or other animal impounded for the purposes of quarantine, as set forth in sections 22-358 and 22-359, shall pay the

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- 50 amount determined by the municipality to be the full cost of detention
- 51 and care of such quarantined animal. In addition, any owner or keeper
- 52 of any such impounded dog, cat or other animal who fails to redeem
- 53 such dog, cat or other animal within one hundred and twenty hours
- 54 after receiving notification to do so shall have committed an infraction.
- 55 The legislative body of the municipality shall set any fees imposed by
- 56 the municipality under this section.
- 57 Sec. 3. Subsection (a) of section 22a-198 of the general statutes is
- 58 repealed and the following is substituted in lieu thereof (Effective from
- 59 passage):
- 60 (a) On and after January 1, 2005, the owner or operator of a Title IV
- 61 source that is also an affected unit or units shall:
- 62 (1) Combust liquid fuel, gaseous fuel, solid fuel or a combination of
- 63 each provided that each fuel possesses a fuel sulfur limit [of] equal to
- 64 or less than 0.3 per cent sulfur, by weight (dry basis); or
- 65 (2) Meet an average emission rate [of] equal to or less than 0.33
- 66 pounds SO₂ per MMBtu for each calendar quarter for an affected unit
- 67 at the premises; or
- 68 (3) Meet an average emission rate [of] equal to or less than 0.3
- 69 pounds SO₂ per MMBtu calculated for each calendar quarter, if such
- 70 owner or operator averages the emissions from two or more affected
- 71 units at the premises.
- 72 Sec. 4. Subsection (f) of section 22a-198 of the general statutes is
- 73 repealed and the following is substituted in lieu thereof (Effective from
- 74 passage):
- 75 (f) The Commissioner of Environmental Protection, in consultation
- 76 with the [chairman] chairperson of the Public Utilities Control
- 77 Authority, may suspend the prohibition of subsection (b) of this
- 78 section for a Title IV source if it is determined that the application of
- 79 the prohibition established under subsection (b) of this section

80 adversely affects the ability to meet the reliability standards, as defined 81 by the New England Power Pool or its successor organization, and the 82 suspension thereof is intended to mitigate such reliability problems. 83 The Commissioner of Environmental Protection, in consultation with 84 the [chairman] chairperson of the Public Utilities Control Authority, 85 shall specify in writing the reasons for such suspension and the period 86 of time that such suspension shall be in effect and shall provide notice 87 of such suspension at the time of issuance, or the next business day, to 88 the joint standing committees of the General Assembly having 89 cognizance of matters relating to the environment and energy and 90 technology. No such waiver shall last more than thirty days. The 91 commissioner may reissue additional waivers for such source after 92 said initial waiver has expired. Within ten days of receipt of the 93 commissioner's notice of suspension, the committees having 94 cognizance of matters relating to the environment and energy and 95 technology may hold a joint public hearing and meeting of the 96 committees to either modify or reject the commissioner's suspension 97 by a majority vote. If the committees do not meet, the commissioner's 98 suspension shall be deemed approved.

99 Sec. 5. Subsection (c) of section 22a-430 of the general statutes is 100 repealed and the following is substituted in lieu thereof (*Effective from* 101 *passage*):

(c) The permits issued pursuant to this section shall be for a period not to exceed five years, except that any such permit shall be subject to the provisions of section 22a-431. Such permits: (1) Shall specify the manner, nature and volume of discharge; (2) shall require proper operation and maintenance of any pollution abatement facility required by such permit; (3) may be renewable for periods not to exceed five years each in accordance with procedures and requirements established by the commissioner; and (4) shall be subject to such other requirements and restrictions as the commissioner deems necessary to comply fully with the purposes of this chapter, the federal Water Pollution Control Act and the federal Safe Drinking Water Act.

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An application for a renewal of a permit which expires after January 1, 113 114 1985, shall be filed with the commissioner at least one hundred eighty 115 days before the expiration of such permit. The commissioner, at least 116 thirty days before approving or denying an application for renewal of 117 a permit, shall publish once in a newspaper having substantial 118 circulation in the area affected, notice of (A) the name of the applicant; 119 (B) the location, volume, frequency and nature of the discharge; (C) the 120 tentative decision on the application; [,] and (D) such additional 121 information the commissioner deems necessary to comply with the 122 federal Clean Water Act (33 USC 1251 et seq.). There shall be a comment period following the public notice during which period 123 124 interested persons and municipalities may submit written comments. 125 After the comment period, the commissioner shall make a final 126 determination that (i) continuance of the existing discharge would not 127 cause pollution of the waters of the state, in which case he shall renew 128 the permit for such discharge, [or] (ii) continuance of the existing 129 system to treat the discharge would protect the waters of the state from 130 pollution, in which case he shall renew a permit for such discharge, 131 (iii) the continuance of the existing system to treat the discharge, even 132 with modifications, would not protect the waters of the state from 133 pollution, in which case he shall promptly notify the applicant that its 134 application is denied and the reasons therefor, or (iv) modification of 135 the existing system or installation of a new system would protect the 136 waters of the state from pollution, in which case he shall renew the 137 permit for such discharge. Such renewed permit may include a 138 schedule for the completion of the modification or installation to allow 139 additional time for compliance with the final effluent limitations in the 140 renewed permit provided (I) continuance of the activity producing the 141 discharge is in the public interest; (II) the interim effluent limitations in 142 the renewed permit are no less stringent than the effluent limitations in 143 the previous permit; and (III) the schedule would not be inconsistent 144 with the federal Water Pollution Control Act. No permit shall be 145 renewed unless the commissioner determines that the treatment 146 system adequately protects the waters of the state from pollution. Any

applicant, or in the case of a permit issued pursuant to the federal Water Pollution Control Act, any person or municipality, who is aggrieved by a decision of the commissioner where an application for a renewal has not been given a public hearing shall have the right to a hearing and an appeal therefrom in the same manner as provided in sections 22a-436 and 22a-437. Any applicant, or in the case of a permit issued pursuant to the federal Water Pollution Control Act, any person or municipality, who is aggrieved by a decision of the commissioner where an application for a renewal has been given a public hearing shall have the right to appeal as provided in section 22a-437. Any category, type or size of discharge that is exempt from the requirement of notice pursuant to subsection (b) of this section for the approval or denial of a permit shall be exempt from notice for approval or denial of a renewal of such permit. The commissioner may hold a public hearing prior to approving or denying an application for a renewal if in his discretion the public interest will be best served thereby, and he shall hold a hearing upon receipt of a petition signed by at least twenty-five persons. Notice of such hearing shall be published at least thirty days before the hearing in a newspaper having a substantial circulation in the area affected.

Sec. 6. Section 25-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

Notwithstanding any other provision of the general statutes, no state agency, including, but not limited to, the Department of Environmental Protection and the Connecticut Siting Council, shall consider or render a final decision for any applications relating to line pipeline electric power crossings, gas crossings telecommunications crossings of Long Island Sound including, but not limited to, electrical power line, gas pipeline or telecommunications applications that are pending or received after June 3, 2002, for a period of one year after June 3, 2002. Such moratorium shall not apply to applications relating solely to the maintenance, repair or replacement necessary for repair of electrical power lines, gas pipelines

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180 or telecommunications facilities currently used to provide service to 181 customers located on islands or peninsulas off the Connecticut coast or 182 harbors, embayments, tidal rivers, streams or creeks. Nothing in 183 section 16-244j, this section or sections 25-157a to 25-157c, inclusive, 184 shall be construed to affect the project in the corridor across Long 185 Island Sound, from Norwalk to Northport, New York, to replace the 186 existing electric cables that cross the sound. During such twelve-month 187 moratorium on applications relating to crossings of Long Island 188 Sound, the Institute of Sustainable Energy at [the] Eastern Connecticut 189 State University shall chair and convene a task force of the parties 190 described in section 25-157a, as amended by this act, in order to 191 undertake the tasks described in section 25-157a, as amended by this 192 act.

Sec. 7. Section 25-157a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Not later than one year from June 3, 2002, a comprehensive environmental assessment and plan shall be completed under the direction of the Institute for Sustainable Energy. In conducting the comprehensive environmental assessment and plan, a task force shall work with the Institute of Sustainable Energy that consists of the task force members contained in Executive Order Number 26 of Governor John G. Rowland and a representative of: (1) The Bureau of Fisheries of the Department of Environmental Protection; (2) the Director of the Bureau of Aquaculture of the Department of Agriculture; (3) the Bureau of Aviation and Ports, Connecticut Coastline Port Authority of the Department of Transportation; (4) the Connecticut Seafood Council; (5) the Atlantic States Marine Fisheries; (6) Save the Sound, Inc.; (7) the Connecticut Fund for the Environment, Inc.; (8) the Long Island Soundkeeper; (9) the State Geologist; and (10) no more than one representative each from the holder of a permit for a merchant cable, one representative from an applicant for a gas pipeline, one representative from each local gas and electric distribution company and one representative from the telecommunications industry.

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213 Nothing in this section shall prohibit the task force from soliciting the 214 participation of other persons in the development of 215 comprehensive environmental assessment and plan including, but not 216 limited to, federal agencies regarding matters within such [agency's] agencies' jurisdiction. Such assessment and plan shall include, but not 217 218 be limited to, a review and analysis of those criteria set forth in 219 Executive Order Number 26 of Governor John G. Rowland in addition 220 to the following: (A) In consultation with the Institute of Water 221 Resources at The University of Connecticut and The University of 222 Connecticut Cooperative Extension Service, a comprehensive 223 inventory and mapping of all existing environmental data on the 224 natural resources of Long Island Sound, including, but not limited to: 225 All coastal resources, as defined in section 22a-93, all points of public 226 access and public use, locations of rare and endangered species 227 including the breeding and nesting areas for such rare and endangered 228 species, locations of historically productive fishing grounds and 229 locations of unusual and important submerged vegetation; (B) an 230 evaluation of the relative importance and uniqueness of the natural 231 resources and an identification of the most ecologically sensitive 232 natural resources of Long Island Sound; (C) an assessment of the 233 present status, future potential and environmental impacts on Long 234 Island Sound of meeting the region's energy needs that do not require 235 the laying of a power line or cable within Long Island Sound; (D) an 236 evaluation of methods to minimize the numbers and impacts of electric 237 power line crossings, gas pipeline crossings and telecommunications 238 crossings within Long Island Sound, including an evaluation of the 239 individual and cumulative environmental impacts of any such 240 proposed crossings; (E) an inventory of current crossings of Long 241 Island Sound and an evaluation of the current environmental status of 242 those areas that have crossings; (F) an evaluation of the reliability and 243 operational impacts to the state and region of proposed crossings of 244 Long Island Sound and an evaluation of the impact on reliability by 245 recommended limitations on such crossings; (G) recommendations for 246 providing for regional energy needs while protecting Long Island

247 Sound to the maximum extent possible; and (H) recommendations on 248 natural resource performance bond levels to insure and reimburse the 249 state in the event that future electric power line crossings, gas pipeline 250 crossings or telecommunications crossings substantially damage the 251 public trust in the natural resources of Long Island Sound. For the 252 purposes of sections 25-157 to 25-157c, inclusive, "Long Island Sound" 253 shall include its harbors, embayments, tidal rivers, streams and creeks 254 to the extent that any such projects would impact such harbors, 255 embayments, tidal rivers, streams and creeks.

Sec. 8. Subsection (a) of section 26-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b), the fees for firearms hunting, archery hunting, trapping and sport fishing licenses or for the combination thereof shall be as follows: (1) Resident firearms hunting license, fourteen dollars; (2) resident fishing license, twenty dollars; (3) resident combination license to firearms hunt and fish, twenty-eight dollars; (4) resident trapping license, twenty-five dollars; (5) resident junior trapping license for persons under sixteen years of age, three dollars; (6) junior firearms hunting license, three dollars; [(7) persons sixty-five years of age and over who have been residents of this state for not less than one year and who meet the requirements of subsection (b) of section 26-31 may be issued a lifetime license to firearms hunt or to fish or combination license to fish and firearms hunt or a license to trap without fee; [(8)] (9) nonresident firearms hunting license, sixty-seven dollars; [(9)] (10) nonresident fishing license, forty dollars; [(10)] (11) nonresident fishing license for a period of three consecutive days, sixteen dollars; [(11)] (12) nonresident combination license to firearms hunt and fish, eighty-eight dollars; [,] and [(12)] (13) nonresident trapping license, two hundred dollars. Persons sixty-five years of age and over who have been residents of this state for not less than one year and who meet the requirements of subsection (b) of section 26-31 may be issued a lifetime license to

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- firearms hunt or to fish or combination license to fish and firearms hunt or a license to trap without fee. The issuing agency shall indicate on a combination license the specific purpose for which such license is issued. The town clerk shall retain a recording fee of one dollar for each license issued by him.
- Sec. 9. Subsection (a) of section 26-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) No person shall hunt, pursue, wound or kill any deer or sell or offer for sale or have in possession the flesh of any deer captured or killed in this state, or have in possession the flesh of any deer from any other state or country unless it is properly tagged as required by such state or country except as provided by the terms of this chapter or regulations adopted pursuant thereto, and except that any landowner or primary lessee of land owned by such landowner or the husband or wife or any lineal descendant of such landowner or lessee or any designated agent of such landowner or lessee may kill deer with a shotgun, rifle or bow and arrow provided a damage permit has first been obtained from the commissioner and such person has not been convicted for any violation of section 26-82, as amended by this act, 26-85, 26-86a, 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the regulations of Connecticut state agencies within three years preceding the date of application. Upon the receipt of an application, on forms provided by the commissioner and containing such information as said commissioner may require, from any landowner who has or whose primary lessee has an actual or potential gross annual income of twenty-five hundred dollars or more from the commercial cultivated production of grain, forage, fruit, vegetables, flowers, ornamental plants or Christmas trees and who is experiencing an actual or potential loss of income because of severe damage by deer, the commissioner shall issue not more than six damage permits without fee to such landowner or the primary lessee of such landowner, or the wife, husband, lineal descendant or designated agent of such

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landowner or lessee. The application shall be notarized and signed by all landowners or by the landowner or a lessee to whom a farmer tax exemption permit has been issued pursuant to subdivision (63) of section 12-412. Such damage permit shall be valid through October thirty-first of the year in which it is issued and may specify the hunting implement or shot size or both which shall be used to take such deer. The commissioner may at any time revoke such permit for violation of any provision of this section or for violation of any regulation pursuant thereto or upon the request of the applicant. Notwithstanding the provisions of section 26-85, the commissioner may issue a permit to any landowner or primary lessee of land owned by such landowner or the husband or wife or any lineal descendant of such landowner or lessee and to not more than three designated agents of such landowner or lessee to use a jacklight for the purpose of taking deer when it is shown, to the satisfaction of the commissioner, that such deer [is] are causing damage which cannot be reduced during the daylight hours between sunrise and one-half hour after sunset on the land of such landowner. The commissioner may require notification as specified on such permit prior to its use. Any deer killed in accordance with the provisions of this section shall be the property of the owner of the land upon which the same has been killed, but shall not be sold, bartered, traded or offered for sale, and the person who kills any such deer shall tag and report each deer killed, as provided in section 26-86b. Upon receipt of the report required by section 26-86b, the commissioner shall issue an additional damage permit to the person making such report. Any deer killed otherwise than under the conditions provided for in this chapter or regulations adopted pursuant thereto shall remain the property of the state and may be disposed of by the commissioner at the commissioner's discretion to any state institution or may be sold and the proceeds of such sale shall be remitted to the State Treasurer, who shall apply the same to the General Fund, and no person, except the commissioner, shall retail, sell or offer for sale the whole or any part of any such deer. No person shall be a designated agent of more than one landowner or primary lessee in any calendar year. No person

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347 shall make, set or use any trap, snare, salt lick, bait or other device for 348 the purpose of taking, injuring or killing any deer, nor shall any person 349 hunt, pursue or kill deer being pursued by any dog, whether or not 350 such dog is owned or controlled by such person, except that no person 351 shall be guilty of a violation under this section when such a deer is 352 struck by a motor vehicle operated by such person. No person shall 353 use or allow any dog in such person's charge to hunt, pursue or kill 354 deer. No permit shall be issued when in the opinion of the 355 commissioner the public safety may be jeopardized.

Sec. 10. Section 26-86c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*)

No person may hunt deer or small game with a bow and arrow under the provisions of this chapter without a valid permit issued by the Commissioner of Environmental Protection pursuant to this section or section 26-86a for persons hunting deer with bow and arrow under private land deer permits issued free to qualifying landowners, [husband or wife, parent, grandparent, lineal descendant] or their husbands or wives, parents, grandparents, lineal descendants or siblings under that section. The fee for such bow and arrow permit to hunt deer and small game shall be thirty dollars for residents and one hundred dollars for nonresidents, or thirteen dollars for any person twelve years of age or older but under sixteen years of age. Permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants therefor by the Commissioner of Environmental Protection, in such form as said commissioner prescribes. Applications shall be made on forms furnished by the commissioner containing such information as he may require and all such application forms shall have printed thereon: "I declare under the penalties of false statement that the statements herein made by me are true and correct." Any person who makes any material false statement on such application form shall be guilty of false statement and shall be subject to the penalties provided for false statement and said offense shall be deemed to have been committed in the town in which the

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applicant resides. No such application shall contain any material false statement. On and after January 1, 2002, permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants who have successfully completed the conservation education bow hunting course as specified in section 26-31 or an equivalent course in another state.

Sec. 11. Section 22a-193 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On and after July 1, 1996, the owner or operator of a resources recovery facility shall notify the Commissioner of Environmental Protection within twelve hours of [an exceedance] any exceeding of, or deviation from, any permitted emissions limitation or parameter including, but not limited to, dioxin and furan indicators such as combustion efficiency and temperature, opacity, sulfur dioxide, nitrogen oxides, carbon monoxide, combustion efficiency, combustion temperature, sulfur dioxide reduction efficiency, final particulate control device inlet temperature and steam load.

Sec. 12. Subsection (g) of section 22a-619 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) Manufacturers shall meet all the requirements of this section for large appliances, including, but not limited to, washers, dryers, ovens, including microwave ovens, refrigerators, air conditioners, dehumidifiers or portable heaters sold in a store where such appliance is on display, except that no package labeling shall be required; (2) manufacturers shall meet all the requirements of this section for mercury fever thermometers, except that no product labeling shall be required; (3) in the case of vehicles, (A) manufacturers shall meet the product labeling requirements of this section for vehicles by placing a label on the doorpost of the vehicles that lists the mercury-added components that may be present in the vehicle, and (B) manufacturers shall not be required to label the mercury-added components of the

vehicle; (4) manufacturers of products that contain a mercury-containing lamp used for backlighting that cannot feasibly be removed by the purchaser shall meet the product labeling requirements of this section by placing the label on the product or its care and use manual; (5) manufacturers shall meet all the requirements of this section for button cell batteries containing mercury, except that no labeling shall be required; (6) in the case of products that contain button cell batteries containing mercury as the only mercury components, manufacturers shall meet the packaging requirements of this section by including a label in the product instructions, if any, and on the packaging, and no further product labeling shall be required; (7) manufacturers of fluorescent lights and high-intensity discharge lamps shall meet the labeling requirements of this section by labeling the product packaging; and (8) manufacturers of medical equipment not intended for use by nonmedical personnel are exempt from this section.

| This act shall take effect as follows: | |
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| Section 1 | from passage |
| Sec. 2 | from passage |
| Sec. 3 | from passage |
| Sec. 4 | from passage |
| Sec. 5 | from passage |
| Sec. 6 | October 1, 2003 |
| Sec. 7 | from passage |
| Sec. 8 | from passage |
| Sec. 9 | from passage |
| Sec. 10 | from passage |
| Sec. 11 | from passage |
| Sec. 12 | from passage |

Statement of Purpose:

To make minor changes for purposes of grammar and clarity in certain environmental protection statutes and to allow manufacturers of highintensity discharge lamps to meet the labeling requirements for mercury-containing products by labeling the product packaging.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]